

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
Region 09**

<b>Shamrock Cartage, Inc.</b>	:	
	:	
<b>Respondent,</b>	:	
	:	
<b>and</b>	:	<b>Case No. 09-CA-219396</b>
	:	
<b>Int'l Brotherhood of Teamsters Local 413</b>	:	
	:	
<b>Charging Party.</b>	:	
	:	

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**EXCEPTION FOR LATE MOTION TO DISMISS FOR EXCUSABLE NEGLECT**

Pursuant to §102.2 (d) (1) (ii), Shamrock Cartage, Inc. (“Shamrock”) requests that its motion to dismiss/summary judgement be given an exception to the 28-day filing requirement based on excusable neglect. Respondent’s previous representative was unable to make the hearing and a new representative was retained on Monday, October 8, 2018. The newly retained representative made a good faith effort to get the Motion to Dismiss filed by the Tuesday, October 9, 2018, 11:59pm deadline. However, the motion was three (3) minutes late. Because the late filing was only three (3) minutes late, the late filing will result in no undue prejudice. Furthermore, no undue prejudice resulted from this three (3) minutes because General Counsel has already filed a response to Shamrock’s motion. For the foregoing reasons, Respondent respectfully requests that the Motion to Dismiss be forwarded to the Board for consideration.

Respectfully submitted by:  
NATIONAL LABOR RELATIONS ADVOCATES  
Dated: October 15, 2018  
By: /s/ KarenRose  
Karen Rose

## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been made on Region 09 of the National Labor Relations Board via the Agency's e-filing portal and to the following parties via electronic mail on October 15, 2018.

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